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June 21, 2022

Hon. Judith C. McCarthy
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: ***Gregory Maroney v. KSF Acquisition Corporation d/b/a SlimFast***, Case No. 7:20-cv-02788-CS-JCM – Joint Letter Motion Requesting a Stay of Discovery

Dear Judge McCarthy:

We represent Defendant KSF Acquisition Corporation d/b/a SlimFast (“SlimFast”) in the above-referenced action and write jointly on behalf of SlimFast and Plaintiff Gregory Maroney (“Plaintiff”) in advance of the court conference scheduled for Wednesday, June 29, 2022, to request a 30-day stay of discovery in the above-referenced action so that the parties can explore settlement negotiations to determine whether the matter can be resolved by agreement between the Parties. The Parties thus request a limited stay of discovery at this point before preparing to take and defend depositions, and respond to outstanding written discovery.

Since the Parties’ last appearance before Your Honor, Defendant completed its document review and production to Plaintiff. The Parties have also served additional written discovery on each other, pursuant to the Second Amended Civil Case Discovery Plan and Scheduling Order (Dkt. 58), have served deposition notices, and commenced meeting and conferring to discuss dates for depositions. Depositions are currently scheduled to be completed by June 28, and fact discovery to be completed by July 26.

The Parties anticipate that a 30-day stay of discovery will allow them to meaningfully see if early resolution of this action is possible—before spending additional resources on discovery. The Parties will advise Your Honor if we are unable to come to an agreement in 30-days (by July 21, 2022).

The Parties also have agreed to a Third Amended Civil Case Discovery Plan and Scheduling Order to account for the 30-day stay of discovery, attached here. The Parties jointly request Your Honor so-order the attached schedule so the parties may proceed if we are unable to come to an agreement. This modification of the current Second Amended Civil Case Discovery Plan and Schedule Order accounts for the stay of discovery and gives the parties time to negotiate a potential settlement, and also accommodates the parties’ witnesses’ and attorneys’ summer schedules for purposes of scheduling depositions.

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The Parties are available to discuss these issues at the Court's convenience or during the previously-scheduled conference before Your Honor on Wednesday, June 29, 2022 at 10:30 am EST.

Respectfully submitted,



Philip H. Cohen